

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

DON BLANKENSHIP,

Case No.: 2:19-cv-00549

Plaintiff,

[Honorable John T. Copenhaver, Jr.]

vs.

DONALD TRUMP, JR.; and DOES 1-50
inclusive,

Defendants.

**PLAINTIFF DON BLANKENSHIP'S FIRST SET OF REQUESTS FOR PRODUCTION
OF DOCUMENTS**

Plaintiff Don Blankenship hereby requests, pursuant to Federal Rule of Civil Procedure 34(a)(1)(A) that Defendant Donald Trump Jr. produce the documents and things described in the categories below, for inspection and copying on December 16, 2019, at 10:00 a.m. in the offices of Early Sullivan Wright Gizer & McRae LLP located at 6420 Wilshire Boulevard, 17th Floor, Los Angeles, California 90048. Alternatively, Donald Trump Jr. may produce fully accurate and legible copies or duplicates of the documents and things and deliver them via the mail, overnight service or electronically to the Plaintiff's counsel within the time-frame specified in Rule 34. Responding party is requested to produce any electronically stored information ("ESI") in its native format.

The categories listed below include, and are governed by, the following "Definitions."

DEFINITIONS

The following Requests should be read in accordance with the following defined terms:

a. "Document" or "Documents" refer to anything in the possession, custody or control of Defendant Donald Trump Jr., whether tangible or intangible, in which information, knowledge, data, and/or Communications are instantiated and/or embodied. This includes, without limitation, any knowledge, information, data or Communications that have been reduced to and/or stored in a tangible medium, electronic medium, auditory medium, or any other medium by which knowledge, information, data and/or Communications may be created, stored, retrieved and/or maintained, either permanently or transitorily. Without limiting the scope of this definition, and simply by way of illustration, the term "Document" or "Documents" includes and refers to:

1. any memoranda, notes, reports, analysis, spreadsheets, summaries, transcriptions, compilations, presentations, "decks", files, and/or slides;
2. any Communications, including without limitation any written Communications reduced to paper or other physical medium or in any electronic or other form, including correspondence, letters, emails, text-messages, notes, messages however transmitted (via any electronic or physical medium), direct messages, and also including oral Communications such as auditory messages including voice-mails or other means of oral or auditory Communication such as Skype or any other or system or method of oral Communication;
3. any images whether photographic or non-photographic, and whether still or moving, including any photos taken by a camera or camera-equipped phone, or any other device, any moving images recorded via a camera or camera-equipped phone or other device;
4. any depictions such as any drawings, schematics, maps, drafting documents, architectural renderings, and/or any other graphic depictions of a physical, imagined or metaphysical item;

5. any postings comments, images, re-postings, messages, or other Communications on any private or public social media platform, message board, and/or application (including without limitation, Facebook, LinkedIn, Twitter, Instagram, Snapchat, Periscope, Baidu Tieba, Gab, Google+, Pinterest, Reddit, Tumblr, Viber, WeChat, Weibo, WhatsApp, YouTube, etc.);
 6. any method by which dates, times and related activities and conduct are scheduled and/or maintained, including without limitation any physical or electronic calendars, "to-do" lists, diaries, and/or journals
 7. the terms "Document" and "Documents" includes any and all drafts, versions and/or iterations of any Document;
 8. the terms "Document" and "Documents" includes any Electronically stored Information ("ESI") which means any information on any operational systems (wherever such system may exist (i.e. enterprise-based, cloud based, or elsewhere)) and which includes any accounting, financial, distribution or manufacturing systems; E-Mail; Instant Messages; Web pages, text messages, cell phone data, Excel spreadsheets and underlying formulae, spreadsheets generated via any other software program and any underlying formulae, metadata, computer databases (e.g. Access, Salesforce, etc.), erased fragmented, or damaged data; and anything stored on a computer hard drive, cache memory, optical disks, magnetic tapes/back-up taps, floppy disks, memory sticks, flash drives, PDAs, Blackberries, iPhones, Vivos, TCL Alcatel, Oppo, ZTE, LG, Xiaomi, Lenovo Motorola, Huawei, Apple, Samsung or any other medium or device by which electronic information or data is stored.
- b. "Communication" or Communications" refers to any manner or instance in which one or more persons or entities transmits or receives information of any sort or kind,

including without limitation, knowledge, data, ideas, concepts, facts, conjecture, intelligence, instructions, advice, guidance, direction, counsel, news, and/or gossip. The terms “Communication” and Communications” include any method or medium by which one or more persons or entities may transmit or receive information, including without limitation, meetings, conferences, inquiries, discussions, conferences, conference-calls, negotiations, agreements, interviews, telephone conversations, emails, text messages, direct messages, and includes Communications via handwriting, typing, emails, letters, telegrams, telexes, facsimiles, correspondence, text messages, other forms of messages (including “direct messages” or other means of direct communication via social media platforms and/or application which include a function by which participants may communicate (for example, the ability of individuals playing Words With Friends to engage in direct communications), direct messages, postings or comments on any social media platform, application and/or message board, and also includes any manner by which one or more persons or entities may deliver or receive information orally such as via telephone and/or Any and All other methods by which oral Communications may be undertaken.

- c. The words/phrase “Refer or Relate” means to refer to, relate to, concern, pertain to, have some connection to or with, regard, affect, bear on, be relevant to, involve, apply to and touch on.
- d. The words/phrase “Any and All” should be read both disjunctively and conjunctively. Neither of these words should be read to in any way limit the scope of any request.
- e. The use of any verb in any tense shall be construed as the use of the verb in all other tenses and the singular form shall be deemed to include the plural, and vice-versa.
- f. The singular form of any noun shall be deemed to include the plural, and vice-versa.
- g. “Complaint” means the operative complaint filed in this matter (currently the

Amended Complaint but includes any subsequent amendment);

- h. The term “Defendant” “You” or “Your” means the defendant in this matter, Donald Trump Jr. as well as any person or entity acting on his behalf or as his agent;
- i. The term “Plaintiff”, means the plaintiff in this matter, Don Blankenship;
- j. The term “NRSC” means the National Republican Senatorial Committee along with any members, employees and/or staff of the NRSC;
- k. The term “RNC” means the Republican National Committee along with any members, employees and/or staff of the RNC;
- l. The term “Trial” means the criminal jury trial proceedings in which Plaintiff was the defendant and which occurred in West Virginia in 2015.
- m. The term “Conviction” means the verdict rendered by the jury in the Trial.
- n. The term “2018 West Virginia Primary” means activities relating to the 2018 Republican primary for Senate in West Virginia, including without limitation the campaigns, advertising, fundraising, and/or any and all efforts by anyone to influence the outcome of the primary.

DOCUMENTS TO BE PRODUCED

REQUEST FOR PRODUCTION NO. 1:

Any and All Documents that Refer or Relate to Plaintiff.

REQUEST FOR PRODUCTION NO. 2:

Any and All Communications that Refer or Relate to Plaintiff.

REQUEST FOR PRODUCTION NO. 3:

Any and All Documents or Communications that Refer or Relate to the explosion at the Upper Big Branch Mine which occurred on or about April 5, 2010.

REQUEST FOR PRODUCTION NO. 4:

Any and All Documents or Communications that Refer or Relate to Any investigation into the explosion at the Upper Big Branch Mine which occurred on or about April 5, 2010.

REQUEST FOR PRODUCTION NO. 5:

Any and All Documents that Refer or Relate to any indictment issued by the United States Government against the Plaintiff

REQUEST FOR PRODUCTION NO. 6:

Any and All Documents or Communications that Refer or Relate to the Trial.

REQUEST FOR PRODUCTION NO. 7:

Any and All Documents or Communications that Refer or Relate to any verdict in the Trial.

REQUEST FOR PRODUCTION NO. 8:

Any and All Documents and/or Communications that Refer or Relate to Evan Jenkins.

REQUEST FOR PRODUCTION NO. 9:

Any and All Documents and/or Communications that Refer or Relate to Patrick Morrissey.

REQUEST FOR PRODUCTION NO. 10:

Any and All Documents and/or Communications that Refer or Relate to any communications by Senator Joe Manchin which Refer or Relate to Plaintiff.

REQUEST FOR PRODUCTION NO. 11:

Any and All Documents and/or Communications that Refer or Relate to any communications by Mitch McConnell which Refer or Relate to Plaintiff.

REQUEST FOR PRODUCTION NO. 12:

Any and All Documents and/or Communications that refer or relate to the May 1, 2018 Fox News televised debate involving candidates running in the 2018 West Virginia Primary.

REQUEST FOR PRODUCTION NO. 13:

Any and All Documents and/or Communications that Refer or Relate to a meeting or gathering in South Florida on May 3, 2018 attended by Donald Trump Jr. and individuals affiliated with the RNC and/or the NRSC.

REQUEST FOR PRODUCTION NO. 14:

Any and All Documents and/or Communications that Refer or Relate to a meeting or gathering in South Florida on May 3, 2018 attended by Donald Trump Jr. and individuals affiliated with the RNC and/or the NRSC, including without limitation any agendas, meeting notes, PowerPoints, and/or any other information or Documents relating to the planning, organization, operation and/or attendees at any such meeting or gathering.

REQUEST FOR PRODUCTION NO. 15:

Any and All Documents and/or Communications that Refer or Relate to any meetings or gatherings in South Florida on the days directly prior to or after May 3, 2018 attended by Donald Trump Jr. and individuals affiliated with the RNC and/or the NRSC, including without limitation any agendas, meeting notes, PowerPoints, and/or any other information or Documents relating to the planning, organization, operation and/or attendees at any such meeting or gathering.

REQUEST FOR PRODUCTION NO. 16:

Any and All Documents and/or Communications that Refer or Relate to anyone who met with Donald Trump Jr. on May 3, 2018 and discussed Plaintiff, the explosion at the Upper Big Branch Mine, the 2018 West Virginia Primary, the Trial, the Conviction, and/or Senator Joe Manchin.

REQUEST FOR PRODUCTION NO. 17:

Any and All Documents and/or Communications that Refer or Relate to Any and All Tweets published by Donald Trump Jr. on May 3, 2018, including without limitation any Tweets which refer, directly or indirectly, to Plaintiff.

REQUEST FOR PRODUCTION NO. 18:

Any and all drafts of any Tweets ultimately published by Donald Trump Jr. on May 3, 2018.

REQUEST FOR PRODUCTION NO. 19:

Any and All Communications involving Donald Trump Jr., on the one hand, and any third party entity or individual, on the other hand, and which Refer or Relate to Plaintiff, the explosion at the Upper Big Branch Mine, the 2018 West Virginia Primary, the Trial, the Conviction, and/or Senator Joe Manchin.

REQUEST FOR PRODUCTION NO. 20:

Any and All Communications involving Donald Trump Jr., on the one hand, and any media entity or individual, on the other hand (including without limitation any reporter, editor or representative of any newspaper, television network or station, on-line publication, or any other operation for the distribution of news or information), and which Refer or Relate to Plaintiff, the

explosion at the Upper Big Branch Mine, the 2018 West Virginia Primary, the Trial, the Conviction, and/or Senator Joe Manchin.

REQUEST FOR PRODUCTION NO. 21:

Any and All Communications involving Donald Trump Jr., on the one hand, and any employee of the White House, (including without limitation any member of the White House Political staff), and which Refer or Relate to Plaintiff, the explosion at the Upper Big Branch Mine, the 2018 West Virginia Primary, the Trial, the Conviction, and/or Senator Joe Manchin.

REQUEST FOR PRODUCTION NO. 22:

Any and All Communications involving Donald Trump Jr., on the one hand, and any commentator or pundit, on the other hand (including without limitation Karl Rove, Rush Limbaugh, Andrew Wilkow, Judge Napolitano, Laura Ingraham, and/or Chris Stirewald) and which Refer or Relate to Plaintiff, the explosion at the Upper Big Branch Mine, the 2018 West Virginia Primary, the Trial, the Conviction, and/or Senator Joe Manchin.

REQUEST FOR PRODUCTION NO. 23:

Any and All Communications involving Donald Trump Jr., on the one hand, and any agent or representative of Fox News on the other hand (including without limitation any employee or executive of Fox News) and which Refer or Relate to Plaintiff, the explosion at the Upper Big Branch Mine, the 2018 West Virginia Primary, the Trial, the Conviction, and/or Senator Joe Manchin.

REQUEST FOR PRODUCTION NO. 24:

Any and All Communications involving Donald Trump Jr., on the one hand, and Joe Manchin, on the other hand, and which Refer or Relate to Plaintiff, the explosion at the Upper

Big Branch Mine, the 2018 West Virginia Primary, the Trial, the Conviction, and/or Senator Joe Manchin.

REQUEST FOR PRODUCTION NO. 25:

Any and All Communications involving Donald Trump Jr., on the one hand, and any candidate running in the 2018 West Virginia Primary on the other hand (including without limitation the candidates themselves (including Patrick Morrissey and/or Evan Jenkins), as well as any staff members or consultants for any candidate, and/or any supporters of any candidate, and which Refer or Relate to Plaintiff, the explosion at the Upper Big Branch Mine, the 2018 West Virginia Primary, the Trial, the Conviction, and/or Senator Joe Manchin.

REQUEST FOR PRODUCTION NO. 26:

Any and All Communications involving Donald Trump Jr., on the one hand, and Governor Jim Justice or any of his staff, on the other hand, and which Refer or Relate to Plaintiff, the explosion at the Upper Big Branch Mine, the 2018 West Virginia Primary, the Trial, the Conviction, and/or Senator Joe Manchin.

REQUEST FOR PRODUCTION NO. 27:

Any and All Communications involving Donald Trump Jr., on the one hand, and any member or representative of the West Virginia Republican Party, on the other hand, and which Refer or Relate to Plaintiff, the explosion at the Upper Big Branch Mine, the 2018 West Virginia Primary, the Trial, the Conviction, and/or Senator Joe Manchin.

REQUEST FOR PRODUCTION NO. 28:

Any and All Documents and/or Communications which are dated prior to the first of Donald Trump Jr.'s Tweets about Plaintiff on May 3, 2018, and which concern any plan, concept, or idea of having Donald Trump Jr. publish Tweets about Plaintiff.

REQUEST FOR PRODUCTION NO. 29:

Any and All Documents and/or Communications which concern any plan, concept, or idea of having Donald Trump Jr. make any public statement or communication about Plaintiff.

REQUEST FOR PRODUCTION NO. 30:

Any and All Documents and/or Communications which Refer or Relate to any plan, strategy, scheme, tactics, or ideas for the purpose or reason of defeating Plaintiff's candidacy for the Senate in West Virginia in 2018.

REQUEST FOR PRODUCTION NO. 31:

Any and All Documents and/or Communications which support the assertion in Donald Trump Jr.'s May 3, 2018 Tweet(s) that Plaintiff was sent to prison for the deaths of twenty-nine coal miners, including without limitation any information You possessed about the deaths of the twenty-nine miners at the time of the Tweet and/or any investigation or searches You (or someone on Your behalf) conducted regarding the explosion at the Upper Big Branch Mine and/or the Trial or Conviction.

REQUEST FOR PRODUCTION NO. 32:

Any and All Documents and/or Communications which support the assertion in Donald Trump Jr.'s May 3, 2018 Tweet(s) that Plaintiff is a felon , including without limitation any information You possessed about Plaintiff's conviction of any crime and/or any investigation or

searches You (or someone on Your behalf) conducted regarding Plaintiff's criminal history and/or Your assertion that Plaintiff was/is a "felon".

REQUEST FOR PRODUCTION NO. 33:

Any and All Documents and/or Communications that Refer or Relate to any Communications by and between Donald Trump Jr., on the one hand, and President Donald Trump, on the other hand, and which concern Plaintiff, the 2018 West Virginia Primary, the Trial, and/or the Conviction.

REQUEST FOR PRODUCTION NO. 34:

Any and All Documents and/or Communications that Refer or Relate to any political action committee seeking to have input and/or influence the 2018 West Virginia Primary, including the 35th Inc. political action committee and any of its donors or contributors.

REQUEST FOR PRODUCTION NO. 35:

Any and All Documents and/or Communications involving Jim Booth and which concern Plaintiff, the Upper Big Branch Mine, the Trial, the Conviction and/or the 2018 West Virginia Primary.

REQUEST FOR PRODUCTION NO. 36:

Any and All Documents and/or Communications involving Bob Murray and which concern Plaintiff, the Upper Big Branch Mine, the Trial, the Conviction and/or the 2018 West Virginia Primary.

REQUEST FOR PRODUCTION NO. 37:

Any and All Documents and/or Communications involving Joe Craft and which concern Plaintiff, the Upper Big Branch Mine, the Trial, the Conviction and/or the 2018 West Virginia Primary.

REQUEST FOR PRODUCTION NO. 38:

Any and All Documents and/or Communications involving any West Virginia based businessperson(s) and/or coal operators and which concern Plaintiff, the Upper Big Branch Mine, the Trial, the Conviction and/or the 2018 West Virginia Primary.

REQUEST FOR PRODUCTION NO. 39:

Any and All Documents or Communications which refer or relate to any crimes for which Donald Trump Jr. was convicted or to which he entered a plea of guilty or nolo contendere (or the legal equivalent).

Respectfully submitted,

DON BLANKENSHIP
By Counsel

/s/ Jeremy Gray, Esq.
Jeremy Gray, Esq.
(CA State Bar No. 150075, admitted *pro hac vice*)
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 6420 Wilshire Boulevard, 17th Floor, Los Angeles, California 90048.

On November 14, 2019, I served the foregoing document(s) described as: **PLAINTIFF DON BLANKENSHIP'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS** on the interested parties to this action by placing a copy thereof enclosed in a sealed envelope addressed as follows:

J. Mark Adkins (WVSB # 7414)
 Richard R. Heath, Jr. (WVSB # 9067)
 BOWLES RICE LLP
 600 Quarrier Street (25301)
 Charleston, West Virginia 25325-1386
 Telephone: (304) 347-1100
 Facsimile: (304) 347-1756
 Email: madkins@bowlesrice.com

☒ **BY MAIL:** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. I served the following document(s) by enclosing them in an envelope and placing the envelope for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business at our Firm's office address in Los Angeles, California within the United States Postal Service in a sealed envelope with postage fully prepaid. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

☐ **BY PERSONAL DELIVERY:** I caused such envelope to be delivered by hand to the offices of the above named addressee(s).

☐ **BY OVERNIGHT DELIVERY:** I served the foregoing document by Federal Express, an express service carrier which provides overnight delivery, as follows. I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.

☐ **BY FACSIMILE:** By use of facsimile machine, I faxed a true copy to the addressee(s) listed above at the facsimile number(s) noted after the party's address. The transmission was reported as complete and without error.

☒ **BY E-MAIL:** I caused to be e-mailed a true copy to the e-mail addresses listed above.

Executed on November 14, 2019, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

JAY JUPIN


